IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 8TH DECEMBER 2006 / 17TH AGRAHAYANA 1928

Bail Appl..No. 7285 of 2006()

CMP.2311/2006 of J.M.F.C.-II, CHENGANNUR
CR.NO.180/06 OF CHENGANNUR EXCISE RANGE.

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PETITIONER/2ND ACCUSED IN CR.NO.180/06

SANTHOSH, S/O.VASAN,
AGED 23 YEARS, RESIDING AT VALLIYIL VEEDU,
ANGADICKAL MURI, CHENGANNUR VILLAGE,
CHENGANNUR TALUK.

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.AJITH MURALI

RESPONDENT/COMPLAINANT IN CR.NO.180/06:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI A.S.SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No. 7285 OF 2006

DATED THIS THE 8TH DAY OF DECEMBER, 2006

O R D E R

Petitioner who is the second accused in Cr.No.180/06 of Chengannur Excise Range for an offence punishable under section 55 (a) of the Abkari Act for allegedly having been found in possession of 70 liters of spirit on 7.10..2006 and who was arrested on the same day, seeks bail.

2. Learned Public Prosecutor admitted that no charge sheet has been filed even after 60 days of detention of the petitioner in judicial custody. If so, by virtue of the proviso to section 167(1) Cr.P.C., the petitioner is entitled to bail as of right. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-II, Chengannur and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn